

THE
PROCEEDINGS
OF A

GENERAL COURT-MARTIAL,

Held at Guildford, August 9, 1758.

ON

Cornet GEORGE MORELAND,
Of the King's own Regiment of Dragoons, com-
manded by Major-General the Earl of *Albemarle*.

To which is added,

An A P O L O G Y

TO

Lieutenant-Colonel DALRYMPLE,
of the same Regiment, in Consequence of the
SENTENCE.

*Statis Corrector et ira
facta refert.*



L O N D O N :

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THOUGH the *Subject* of this Court-Martial may appear too trifling to deserve a *serious* Attention: Yet as it has been misrepresented, it was thought proper to publish it.

L O N D O N :



A T A

GENERAL COURT-MARTIAL

Held at Guildford, August 9, 1758.

By Virtue of a Warrant from His Majesty,
directed to Lieutenant-Colonel *John Toovey*
of the First (or Royal) Regiment of Dra-
goons.

P R E S E N T,

Lieutenant-Colonel <i>John Toovey</i> , PRESIDENT,	
Captain-Lieutenant <i>John Davies</i> ,	
Lieutenant <i>Mill Hill Hunt</i> ,	
Lieutenant <i>Wiltshire Wilson</i> ,	
Lieutenant <i>James Desmarotte</i> ,	
Lieutenant <i>Henry Stanley</i> ,	
Lieutenant <i>Silvester Richmond</i> ,	
Lieutenant <i>Charles Maibood</i> ,	MEMBERS,
Lieutenant <i>Henry Devic</i> ,	
Lieutenant <i>John M'Lellan</i> ,	
Cornet <i>William Wolfeley</i> ,	
Cornet <i>John Clegg</i> ,	
Cornet <i>Jocelin Price</i> ,	
Lieut. <i>Tho. Alex. Fuller</i> , Deputy Judge-Advocate,	

THE Court and the Judge-Advocate
being duly sworn, the Prisoner Cornet
George Moreland of the KING's own
Regiment of Dragoons, commanded
by the Earl of *Albemarle*, was brought before
the Court, and accused of abusing in an inde-

cent and improper Manner, Quarter-Master *Job Hall*, of the said Regiment, by calling him Rascal, Scoundrel and Lyar, in the Presence of his commanding Officer, to whom the Quarter-Master was then making his Report, and for disobeying the Orders of his Colonel, to make the following Condescension, *viz.* That his Passion had led him to make Use of very improper Terms, when he only meant to reprimand the Quarter-Master :—and for behaving unbecoming the Character of a Gentleman, in falsely aspersing Captain-Lieutenant *Irvine's* Character, by saying that he had taken Notes in his Pocket-Book, on the Conduct of Major *Bonham* of the said Regiment, while at *Manchester*, to use afterwards to his Prejudice.

The Evidence given against him is as follows:

Quarter-Master *Job Hall* deposes on Oath, That he went on *Saturday* the 27th of *May*, about Three o'Clock, to make a Report to Captain *Irvine*, of a Dragoon Horse rode by Cornet *Francis Moreland's* Servant, and neglected; when making his Report the Cornet's Servant contradicted him; whereupon the Quarter-Master said he would beat him, or Words to that Effect: Captain *Irvine* then ordered him out of the Room, which the Quarter-Master immediately obeyed. At Four o'Clock the same Afternoon, being at the *Crown Inn* at *Basingstoke* to see the said Horse taken care of, the Prisoner called out, *You Hall*, two or three times; upon that he went into the Stable, believing the Prisoner to be in a Passion, without making any Answer: the

the Prisoner followed him into the Stable, and gave him base Language, and believed he damn'd him, and said, that if he came into the Room in the same manner as he did to Captain *Irvine*, he would have sent him out in a Hurry: that he came again about Six in the same Evening. The Cornet's Servant was boasting that the Quarter-Master had got nothing by his Report: the Quarter-Master said, if he gave himself any Liberties about him he would beat him: he (the Servant) answered, he wished he would that he might take the Law of him: the Quarter-Master said to the Servant, Tell your Master, I'll obey him as an Officer, but if he insults me any more in my Duty, I will complain to my Lord *Albemarle*. Quarter-Master *Hall* further says, That on *Sunday* the 28th of *May*, in the Morning, he went to make his Report of the State of the Troop to Captain *Irvine*: the Prisoner came out of the Window of the *Crown Inn*, seemingly in a great Passion, charged him of saying that he would serve the Prisoner as he would serve his Servant; which he denied; upon that the Prisoner called him Scoundrel, Lyar and Rascal. The Quarter-Master said he would make it appear that he was a Soldier, Quarter-Master, and a Gentleman, and that he would write to Lord *Albemarle*. Before Quarter-Master *Hall* made the above Answer, the Prisoner said, he was sorry his Servant did not beat him; or Words to that Purpose.

The Prisoner asked Quarter-Master *Hall* before the Court, what he meant by base Language. — The Quarter-Master said, Calling

him, You *Hall*, you *Hall*, he thought was base Language, and that he went into the Stable to shun him,

Captain-Lieutenant *Irvine* depofes upon Oath, That when the Officers of the Squadron was at Dinner at *Bafingftoke*, Quarter-Master *Hall* came into the Room, and made a Report to him with fome Heat and Paflion, and in an improper manner, of a Dragoon Horfe rode by Cornet *Francis Moreland's* Servant, having been neglected by the Servant, and not given by him to the Care of any Dragoon. He (Captain *Irvine*) asked him if the Horfe was lamed or hurt? He answered, No. Upon which Captain *Irvine* told him, if the Servant had neglected the Horfe he fhould not ride him any more. The Servant appeared to him very much frightened, and faid, juft loud enough to be heard, that he had given him to a Dragoon; or Words to that Purpofe. Upon which Quarter-Master *Hall* told him in fome Paflion, he lied. Captain *Irvine* then ordered the Quarter-Master out of the Room, imagining he behaved improperly. Next Morning Quarter-Master *Hall* was making his Report of the State of the Troop in the Street, the Prifoner came out of the Window, and * *accufed* Quarter-Master *Hall* of *fome difrefpectful Language he had expreffed of him to his Servant, threatening to ufe him as he had threatened to ufe his Servant.* Quarter-Master *Hall* pofitively affirmed his Innocence, and denied the Charge. The Prifoner called him

Rafcal

* Thofe and fome more Aftericks hereafter refer to each other.

Rascal and Scoundrel; and said he was sorry his Servant did not beat him. Upon which he took the Prisoner away, and told him of the Impropriety of making use of such Expressions to a Quarter-Master in the Street. Upon which the Prisoner * *told him, the Quarter-Master had threatened to beat him, as he would his Servant, and that upon the Parade the Night before, before a Number of Dragoons.*—Captain Irvine sent to Quarter-Master Hall, and advised him to make some Submission, and did not doubt but the Prisoner would make some Acknowledgment to him for his unguarded Expressions. Quarter-Master Hall strongly asserted his Innocence of what was laid to his Charge, and said he never would make the smallest Submission for what he never had been guilty of. Soon after Lieutenant Ward told Captain Irvine, that there was two Dragoons of Lieutenant-Colonel Dalrymple's Troop ready to support the Prisoner's Accusation. He ordered them to be sent for; and that Quarter-Master Hall might likewise be present to hear their Evidence. It appeared both to Lieutenant Ward and Captain Irvine that their Evidence was sufficient to support the Prisoner's Charge. He was therefore very desirous the Affair should be made up, by a mutual Submission; which, as far as he can recollect, the Prisoner would at that Time have agreed to, but Quarter-Master Hall would not. Both Lieutenant Ward and Captain Irvine talked to him in private, to induce him to make the Affair up, in the Manner Captain Irvine proposed, but in vain. He therefore, at
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the Prisoner's Request, put him in Arrest, and immediately reported him.

Captain *Irvine* being asked by the Court, if he was present when the Quarter-Master told the Prisoner, he would make it appear that he was a Soldier, Quarter-Master, and a Gentleman? and whether he seemed to be in a Passion at that time? Captain *Irvine* gives for Answer, That he was present at the whole Conversation: that the Quarter-Master appeared to be in a Passion, and heard him mention the Words Soldier, Quarter-Master, and Gentleman; but can't positively say in what manner he expressed it. Captain *Irvine* being asked, how it came that Cornet *Francis Moreland's* Servant rode a Dragoon Horse? Captain *Irvine* says, That it had always been the Practice of the Regiment, where there are spare Horses, to allow the Servants to ride them; but always to keep with the Squadron, *that it might be as compleat as possible*; besides, Cornet *Francis Moreland*, whose Servant rode that Horse, had parted with his second Horse two or three Days before the March, to Captain *St. Leger*, who was in great Want of a Horse, and going immediately upon Service.

William Alife, of *Basingstoke*, being sworn, says, That on a Sunday, at *Basingstoke*, he saw the Prisoner jump out of a Window at the *Crown Inn*, and called the Quarter-Master Scoundrel: the Quarter-Master then answered, he was a Gentleman by his Warrant; and he was doing his Duty.

John Cock, of *Basingstoke*, being sworn, confirms *William Alife's* Evidence; and further adds, That the Quarter-Master said he would obey the Prisoner as his superior Officer, but would not be insulted in his Duty; and that he would write to Lord *Albemarle*; and that an Officer then took the Prisoner by the Arm and led him away; and told him the Quarter-Master would certainly write to Lord *Albemarle* about it.

Lieutenant-Colonel *Dalrymple*, being sworn, deposes, That on joining the Regiment the 5th of *June*, he found the Affair in Dispute in the Situation that Captain *Irvine's* Evidence had informed the Court of: that he immediately appointed (by Lord *Albemarle's* Orders) a Court of Inquiry, which was to give no Opinion, but to assist him in forming one, in order to make a more just and impartial Report to Lord *Albemarle*; in consequence of which he wrote a Letter representing the Affair as it appeared to him, and read it over in Presence of Captains *Byne*, *Irvine*, and Lieutenant *Ward*; and asked them whether it was impartially and justly stated: they answered in the Affirmative: and further said, they thought it rather favourable to the Prisoner. On *June* the 15th he received Lord *Albemarle's* Orders that the Affair should be determined in the following manner: first, that the Servant should be turned away; and that the Cornet (now Prisoner) should tell Quarter-Master *Hall* before him (the Lieutenant-Colonel) Captain *Irvine*, and the Officers he abused him before, that his Passion had led him to make use of very improper Terms, when he
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only meant to reprimand him *for threatening to beat his Brother's Servant*, when he ought to have complained of him ; and that he had turned the Servant away for being impertinent to the Quarter-Master.—The Prisoner refusing to comply with the DECISION, was put in Arrest, *in order for his coming before a General Court-Martial* ; and he used all the Influence he had with him, and represented the bad Consequences of proceeding so far, with the Inconvenience of a tedious Confinement, to induce him to comply with Lord *Albemarle's* Order ; but to no Purpose. On the 10th of *July* he received a Letter from the Adjutant-General, wrote by the Marshal's Order, in Presence of the Secretary at War, to shew the Prisoner, *importing*, That the Treatment he had given to a Warrant Officer, and that in the Presence of his Superior, was so contrary to all Rules of military Discipline and Subordination, that an Acknowledgment of his Error (probably occasioned by Passion) was the least thing he could do, and the best manner of preventing the Sentence of a General Court-Martial. This Letter was shewed to the Prisoner by his Brother ; but he still persisted in his Resolution.

The Colonel being asked by the Court, whether he gave Lord *Albemarle's* Decision as an Order or not ? answered, That *he* received them as Orders from Lord *Albemarle*, with the *Alternative* of a General Court-Martial, *if he preferred it*, and gave them as his Lordship's Orders ; but found afterwards that the Prisoner did not take them as such. *Twenty-four Days after,*
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the 9th of *July*, at which Time he informed the Prisoner, that Lord *Albemarle* meant them as Orders; and that he was to be Try'd for disobeying them.

The Court then adjourned till Eight o'Clock To-morrow Morning.

August the 10th.

The Court being met pursuant to their Adjournment, proceeded.

The Prisoner's Defence.

That the Court may have a clearer Insight into the whole Affair, I beg Leave to begin at what passed between Quarter-Master *Hall* and myself in the Stables.

From his own Account at the Court of Inquiry, and as it appeared to the Court Yesterday, it is plain how improperly he behaved when he came to make his Report to Captain *Irvine*, as we were all at Dinner at *Basingstoke*. As I was going round the Stables that Afternoon, I met Mr. *Hall* at one of them, and asked him very mildly, how he could behave in such a manner to all the Company, and particularly to my Brother, by taking the Liberty to abuse his Servant before his Face, and not leaving that to him; adding, that my Brother's being so young in the Army, made him ignorant how far Mr. *Hall's* doing his Duty might authorize such Rudeness; or Words to that Effect. — Mr. *Hall* entered into an Argument with me, in the same insolent Tone he had

used to the Servant. To all which I replied still calmer, that if he had served me so I should have desired him to have walked out of the Room. (It is to be understood this Behaviour of his was after he had made his Report.) He made me some Answer; and I left him. What happened in the Market-place after that, will likewise appear by the Minutes of the Court of Inquiry. That Mr. *Hall* had been guilty of what had been alledged against him *was believed by Captain Irvine and Lieutenant Ward*, on the Attestation of two Dragoons the next Morning. — Lieutenant *Ward*, when he went on Party, left me under his Hand a Paper (which I have laid before the Court) bearing Witness of what he heard them attest: and Captain *Irvine* has likewise confirmed it in his Attestation of Yesterday. — But with regard to what passed between Mr. *Hall* and me that Morning, and which the first Part of the Charge points at, is this: Sitting at Breakfast in a Front-Room on a Ground-Floor, with the Window open, Captain *Irvine* came over the Way to me, and talked to me in at the Window. In the mean time the Quarter-Master came up to him, to make his Morning's Report. When he had done, I threw myself out of the Window, and charged Mr. *Hall* with what had been told me by the Servant. That in the midst of such Abuse between them, the Quarter-Master had added, That if I had said two Words more to him (alluding to what passed in the Stables) he would have served me in the same manner. This he flatly denied: but as I had much Reason

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son to believe it from the Character of the Man, and his Behaviour the Day before, and provoked at his Manner of speaking to me at the Time, I told him in my Passion, he behaved like a Scoundrel ; and that he knew he told a Lye in denying it. — The Dragoons afterwards proved it. — I am sensible, if I had reported him to Captain *Irvine*, as I intended to have done, it would have been the most prudent Part : but the Quarter-Master coming up at the Time, I could not resist charging him with it : and some Allowance may be made for being in a Passion at that unmannerly Address, so natural to Mr. *Hall*. — However, I beg his Pardon for not treating him in a proper manner, *by sending him to the Black-Hole*. — That Addition of calling him Rascal, I declare upon my Honour I did not ; but possibly the Seven-and-twenty Witnesses that Mr. *Hall* had got will swear it to a Man ; but the Court will judge of their Veracity by their Numbers, and of Mr. *Hall* by his scraping them together. — Though this is the Point in Question, I hope the Court will give me Leave to continue this Affair a little further. Mr. *Hall* wrote up a Complaint to Lord *Albemarle*, after his Behaviour with respect to me had been proved, instead of making me the least Submission ; which if he had done, Captain *Irvine* and Lieutenant *Ward* both know I would have made an Apology to him, *for the Sake of the Quarter-Masters* ; but as he rejected it with Disdain, I was resolved to have him confined ; and Captain *Irvine* was determined to confine him as soon as we arrived at

Quarters.——Lieutenant *Ward* had endeavoured to persuade him to beg my Pardon on the March, but all in vain ; so he was put *in Arrest* at our Arrival, *Wednesday May* the 31st.——My Quarters were at *Winbourn*, from whence I was sent for the *Tuesday* following to attend a Court of Inquiry, ordered by Lieutenant-Colonel *Dalrymple*, who was just come to *Blandford*.——Captains *Byne* and *Irvine* and Lieutenant *Ward* composed it ; and those two last Gentlemen Captain *Irvine* and Lieutenant *Ward*, though they were present at the Attestation of the Dragoons, joined in with the Opinions of the Lieutenant-Colonel and Captain *Byne*, *that it could not be proved*.——This was given me verbally, for the Court was not regularly closed, though it was to be looked upon as a regular one ; and *it did not want Gravity and outward Shew to make it pass for such*.——The Result was their united Endeavours to put me in the Wrong : and it was insisted on that I should beg the Quarter-Master's Pardon, the Lieutenant-Colonel engaging to get him to beg mine. With much Reluctance I submitted to their Importunities, to prevent any more Trouble about it.——Here it was to be presumed the Affair would have ended ; but the Lieutenant-Colonel could not prevail upon the Quarter-Master : and though I had entirely consented to their own Terms (*Who could do more towards accommodating it ?*) the Tide still continued against me as strong as ever ; and they still laboured to exculpate Mr. *Hall*, who would now only abide by Lord *Albemarle's* Decision.——I begged
his

his Release, and to have the Affair dropt. This was refused, I returned to *Winbourn*.—The *Thursday* Sevensight following I was again ordered over to hear Lord *Albemarle's* Decision; which was, first, That the Servant should be turned away; that I should tell Mr. *Hall* so, and make him a Speech besides, *without any Mention of a Submission on his Part*.—I was either to make Choice of these Terms, or be put in Arrest.—I chose the latter, and went into Arrest immediately at *Blandford*.

The Court will perceive that it was owing to the great Dependence Mr. *Hall* had on Lord *Albemarle's Protection*, that the Affair has been carried to this Length: for at *Basingstoke* he immediately threatened me with complaining to Lord *Albemarle*, before Captain *Irvine's* Face, entirely setting him aside as Commanding Officer, whom, by the Articles of War, he ought first to have applied to for Redress.—So, at *Blandford*, when the Lieutenant-Colonel wanted him to come into those very Terms that I had consented to, his Greatness would not condescend to it, but appealed to Lord *Albemarle*, expecting more honourable Conditions from him; and indeed *he had them*. Even when they came down, so great was his Presumption that he wrote the Lieutenant-Colonel a Note, insisting upon having a Copy of them, signed by Colonel *Dalrymple's* own Hand, or he would consent to nothing. *A Note was sent him*: the Contents of it I don't know: but he afterwards gave out, that my Release depended upon my asking his Pardon.—The Afternoon in which
I went

I went into Arrest, there followed great Preparations about writing for a *General Court-Martial on Quarter-Master Hall*, who was not to accept of any Forgiveness from me, for this purpose I was ordered to write my charge, to be inclosed to the Adjutant-General, which I did, and it was ordered to be altered *several Times*.

— This I own I looked upon as mere *Parade*, as I knew very well by the Articles of War, a *Regimental Court-Martial* had Power to reduce Mr. *Hall* to a private Centinel if he deserved it, and as I find by the Duke's Orders, Non-commission'd Officers are to pay the same Respect that a private Man does to a commission'd Officer, the Offence of Disrespect is as culpable in a Quarter-Master, as in a private Man. About half an Hour after I had remitted the last Alteration, Colonel *Dalrymple* sent to represent to me, that Mr. *Hall* was almost raving for being confined so long, (*if he had had a Court-Martial* he might have been released sooner,) and to ask if I would consent to his Discharge, and not only that, but give it under my Hand, that I would acquit him of any Charge whatsoever.

— An odd Request, after the Preparations for a *General Court-Martial*, and considering I myself was put in Arrest that Day. — It will likewise appear very extraordinary to the Court, that the Lieutenant-Colonel, who with the other Gentlemen gave it as their Opinion, that Mr. *Hall* was not guilty, should require a written Discharge to protect him from that very Offence: — but I even consented to this in its full Extent, having desired it all along, as

I had no further Resentment against Mr. *Hall*, but only wanted to make him sensible of what I was always given to understand was a Fault.

—He was therefore released, tho' the Lieutenant-Colonel always told me he had it not in his Power to do it, even at my Desire, and has since told me, if I had not consented to it, he would have released him himself.—The sixth Day of my Arrest, General *Duroure* reviewed the Regiment, my Arrest continuing, I was of Course reported to his Majesty, since that have been reported in *Statu quo* by a Muster, and have been march'd Prisoner a ten Day's March; it is this very Day that I have been in Arrest eight Weeks, instead of as many Days limited by the Articles of War.—I have one Observation to make, which is, that I have some Reason to believe that Lord *Albemarle* was not acquainted with even the *plain State* of the Affair, *because Captain Irvine shew'd me one, which was drawn up after the Lieutenamt-Colonel had wrote to his Lordship about it*; this was intended to be sent, but did not go.—Now *if Lord Albemarle had had it fairly stated, where could be the Necessity of repeating it*; if this should be the Case, this material Neglect I must set down among the many Obligations I am under to the Lieutenant-Colonel in this Affair. I found also by General *Napier's* Letter to Colonel *Dalrymple*, which the Colonel sent me, that Lord *Ligonier* was a Stranger to the Quarter-Master's Offence to me, *by it's not being mentioned in the Letter*.—It was from this *Persuasion*, that I was so tenacious of my own
Opinion

Opinion, which *otherwise* I could never have preferr'd to the Advice intimated to me from the Commander in Chief.—The Charge of Disobedience of Orders, I had no Notice of, till *the Afternoon before the Day intended for my first Court-Martial*, which was *twenty-four Days* after my first being in Arrest.—It must be a sudden Discovery; for it came *Express* from Lord *Albemarle*: I may very well call it a sudden Discovery, for I never heard any Mention of a Crime of this Sort, during twenty-four Day's Confinement, and the many terrifying Representations of the Affair, which Colonel *Dalrymple* has not been sparing of, even in a Letter which I receiv'd from Lord *Albemarle* a few Days before, there is some Appearance that his Lordship himself did not think of it, at the Time he wrote to me.—It was in Answer to one I sent *Express* to his Lordship, upon the first News of the Troops going Abroad, desiring his Lordship to hasten my Court-Martial, and *give me Leave to sell out*, and go up to *London* immediately after it, hoping I could then be permitted to go Voluntier with the Troops:—The Court will observe, so far from any Marks of Displeasure for Disobedience of Orders, that his Lordship takes no Notice of my asking to sell out, but seems to assure me, I shall have Satisfaction upon the Quarter-Master, which I had given up all Thoughts of; but however, as this is added to my Charge, I must submit to the Candour of the Court, how far I can be said to be guilty of it.

The Court has already heard that Mr. *Hall* *appeal'd to the Decision of Lord Albemarle*.—— His Lordship was told by Colonel *Dalrymple* in a Letter (which he read to me) that I had left it to him, (Colonel *Dalrymple*,) so I had once, but Mr. *Hall's* refusing to abide by any Decision but Lord *Albemarle's*, entirely cancell'd that.——Colonel *Dalrymple* knows that I objected to his Letter, being unwilling to leave it to him, if the Conditions should alter, as by his Lordship's Decision they did; what I would infer from this is, that I could not look upon Lord *Albemarle's* Decision as Military Orders, as they were *the Consequence of Mr. Hall's Appeal, and the Lieutenant-Colonel giving Lord Albemarle to understand, that I submitted it to a Decision also*.——When it came I did not conform to it, and thought it in every Man's Option to stand his Trial, and abide by no Decision but of his own consenting to, exclusive that it was delivered to me as a Matter of *Choice*.

Now give me Leave to remark on what I am to look upon as Orders, as they were given to me, (tho' I beg the Favour of the Court to call for them in his Lordship's own Letter :) First, the Servant was to be turned away. The Servant was my Brother's at the Time, so I could neither obey, nor disobey. Secondly, I was to tell Mr. *Hall* so; this was as impossible to me as the other; but I never knew that *the disposing of, and turning away Servants*, could be included in regimental Orders, and in case of Non-compliance deemed *Disobedience of*

Military Laws, by which alone I am to be try'd. Lastly, I was to make a Speech to Mr. *Hall*, of which his Lordship dictated the Words, it amounted to a Submission, and as I before observed, there was no Mention of one on the Quarter-Master's Part, and having great Reason to believe he insulted me as a Commission'd Officer, I must naturally recoil at such an Order. Can it be term'd Disobedience of Orders, to refuse to abide by Lord *Albemarle's* private Decision, and voluntarily prefer the Alternative offered me, of being put in Arrest, and submitting myself to the Equity of a General Court-Martial? Can it be deemed a *lawful Command* to order me to crouch to a Quarter-Master, who had so publicly insulted me, besides this was order'd as my Punishment, and no Punishment can be enforced but by lawful Trials; therefore I humbly presume Lord *Albemarle* may possibly have no lawful Authority for such a Command, and if so, Non-compliance cannot be term'd Disobedience. But suppose Lord *Albemarle* a Court of Equity in himself, and can judge and give Sentence, I am still entitled by the Articles of War to appeal to a *Higher Court*, which I did in going into Arrest, and submitting myself to this, but I must repeat, I never understood them as *Orders*, Colonel *Dalrymple* never deliver'd them as such, and as *they were the Consequence of a Quarter-Master's Appeal*, I look'd upon them only as the Sentence of an Arbitrator, *to whom I did not refer myself*, and from whom I appeal to this Court. Whether this Court will censure my
 Actions,

Actions, I know not, but this I am sure of, if I have err'd, it was by endeavouring to act consistent with mine own Honour, and there are not wanting Proofs of my Lenity to Mr. *Hall*, and Compliance with the Advice of my superior Officers, tho' at the same Time it *appear'd* partial.—These Considerations will I hope have their due Weight, and much over-balance the Escape of an angry Word.

The Paper, which the Prisoner in his Defence says, he deliver'd to the Court, was a Letter from Lieutenant *Ward*, which is as follows.

Blandford, June 29, 1758.

S I R,

YOU may (if you please) inform the Court-Martial from me, that concerning your Affair with the Quarter-Master.—When we were at *Basingstoke*, *Day* and *Fitter* being examined before Captain *Irvine* and me, both declared and agreed, that they heard Mr. *Hall* and the Servant call each other Scoundrel, &c.—That Mr. *Hall* afterwards said, he paid some Money, (what Sum I've forgot,) for beating somebody once in *Scotland*, or he would certainly trim him, and that if his Master had said two Words more, he would have serv'd him in the same Manner, these, (or Words to the same Purport,) I am very certain both *Day* and *Fitter* express'd in giving their Evidence, at the Time abovemention'd,

I am, Sir,

To Cornet *George Mcireland*.

Your's, &c.

R. WARD.

Lieutenant

Lieutenant *Ward* being sworn, and shew'd the Letter mention'd in the Prisoner's Defence, owns it to be wrote by him, and likewise says, the Contents are true.

Lieutenant *Ward* being ask'd by the Court, if the Prisoner was willing to make up the Affair with Quarter-Master *Hall*, says, that he believes the Prisoner did at several Times say, that provided Quarter-Master *Hall* would make a Submission first to him, he should have no Objection to make a Submission also to him, for his Usage of him in the Street, and further says, he believes the Prisoner offer'd to beg the Quarter-Master's Pardon *upon those Terms*.

John Couch, Servant to Cornet *Francis Moreland* deposes upon Oath, that the Quarter-Master call'd him Scoundrel and Dog, and said if his Master had said two Words more, he would have serv'd him the same Way, and only valued him as a Cornet in his Place.

John Day Dragoon, being sworn, says, he heard the Quarter-Master say to Cornet *Moreland's* Servant, that if he the Quarter-Master *Hall* was a Dragoon, he would beat him: then said it was not the first Time he had paid forty Pounds for licking such a Fellow as he in *Scotland*; and if his Master had said twice as much, he would have serv'd him the same.

The Evidence being ask'd by the Prisoner, whether he heard any other abusive Language, said, No.—The Evidence being ask'd how near he was to the Quarter-Master, says, about eight or ten Yards, and that the Servant was at a much greater Distance from the Quarter-Master.

Master.—The Evidence says, he was not there at the Beginning of the Dispute, but it was the Day they came to *Basingstoke* that the Dispute happen'd, to the best of his Recollection.

Thomas Fitter Dragoon, being sworn, says, that he was Centry over the Baggage under the Market-House, the Day he march'd into *Basingstoke*, when he heard Quarter-Master *Hall* say to Cornet *Moreland's* Servant, damn you, you Scoundrel, if I had been a Dragoon, I would have trim'd you, upon which the Servant said, if you do, possibly you may pay for it; the Quarter-Master made Answer, he did not doubt it, for he once paid forty Pouuds for trimming such a Scoundrel in *Scotland*, the Servant then said, you may do as you please, but if you do, I will Law you for it, upon that the Quarter-Master said to the Servant, damn you, you Scoundrel, if your Master had said twice as much as you have, I would have serv'd him in the same Manner.—The Evidence says, he did not hear the Beginning of the Dispute, as they were disputing before they came under the Market-House.—The Evidence being ask'd how far he was from the Quarter-Master, he says, about five or six Yards.

Captain *Irvine* being ask'd by the Court, whether the Quarter-Master had finished his Report before the Prisoner spoke to him, Captain *Irvine* says, he thinks he had, and that the Prisoner waited untill he had finish'd it.

The Court having gone thro' the first Charge against the Prisoner, do proceed to the second, viz. For behaving unbecoming the Character of a Gentleman, in falsely aspersing Captain Lieutenant *James Irvine's* Character, by saying that he had taken Notes in his Pocket Book on the Conduct of Major *Bonham* of our said Regiment, while at *Manchester*, to use afterwards to his Prejudice.

Major *Bonham* being sworn, says, that on the eighth or ninth of July past, to the best of his Remembrance, he went to the Prisoner's Lodgings, and found him walking in his Garden. They had some Conversation about his Dispute with Quarter-Master *Hall*, and endeavour'd to persuade him to Lord *Albemarle's* Decision of that Dispute. The Prisoner then told him, that that Affair would never have gone the Length it had, but for some Enemies he believed he had in the Regiment, he, (the Major) told him, he knew of none, and endeavour'd to convince him of it; he said to the Major, he thought Captain *Irvine* was not his Friend; the Major assur'd him, he had always heard him speak favourably of this Dispute with Mr. *Hall*, and believ'd he had no Ground for such a Suspicion; he then told him, he did not know the Man, for he was capable of doing more Mischief than he was aware of, or Words to that Effect; for he had known him to take Minutes of a Commanding Officer's Conduct in his Pocket Book.—Major *Bonham* press'd him to explain himself; the Prisoner then told him, that Captain *Irvine* had

had taken Minutes of his Conduct at *Manchester* in his Pocket Book which he had seen.—The Major desired him to inform him of Particulars, he told him he could not possibly charge his Memory with them, but that he thought he remember'd or was pretty sure that he had mark'd down some Time that he was drunk, he ask'd him if he took any Notice of those Minutes to Captain *Irvine*, he told him, *he did*, and ask'd him the Meaning of them, to which he reply'd, *they might be useful some Time or other.*

Captain *Irvine*, observing a particular Coldness in the Major's Behaviour to him, ask'd the Reason of it, he told him the Occasion was, as related above, upon which he protested his Innocence in the most solemn Manner, and offer'd to take the Sacrament, or give him any other Satisfaction in his Power, saying, he had never even heard of such a Thing practis'd.—The Prisoner likewise said, that he would positively affirm the Truth of what he had alledg'd, and was ready to give any Satisfaction in his Power, and was ready to take the Sacrament of it. The Prisoner acknowledges all that Major *Bonham* had said, and asserts it to be true, but can't support it by any Evidence.

The Prisoner's Defence,

Major *Bonham* was so obliging as to come to see me, when * I was in Arrest in *Blandford*; one Day, when we were talking of the Occasion of my being in Arrest.—The Major express'd

* The Liberty has been taken of restoring the first Person throughout this Defence, to render it more intelligible.

press'd much Surprize at my not thinking that Captain *Irvine* had acted as a Friend in that Affair. I answered, I had some Reasons to think he had acted very contrary to the Character of one, and added, that for all his *Professions* he had contributed very much to the kindling of it; in the first Place, when he was present at what happen'd that Sunday at *Basingstoke*, he inflam'd Quarter-Master *Hall*, by checking me in his Presence, and taking no Notice of what I had charg'd the Quarter-Master with, upon which the Quarter-Master threaten'd immediately to complain of me to Lord *Albemarle*; we then retired to the *Maidenhead Inn*, where in a little Time he left me, and went to relate the Affair to Lieutenant *Ward*, which sent Lieutenant *Ward* to me, (but don't say immediately,) who was surprized and shock'd at my Behaviour to Quarter-Master *Hall*, but made no mention of the Provocation to it. Lieutenant *Ward*, Yesterday acknowledged that Captain *Irvine* had not mentioned it: I must here observe, that telling Captain *Irvine* (before Major *Bonham*,) what an Appearance of Ill-Will this had, Captain *Irvine* made Answer, * *HOW* should he know the Provocation, so how could he tell it to Lieutenant *Ward*; [Captain *Irvine* Yesterday acknowledged, that] he had heard me charge Quarter-Master *Hall*, which I immediately put him in Mind of, before Major *Bonham*, but he then said, he did not HEAR it, he likewise forgot that we had talk'd it over and over, before he went to Lieutenant *Ward*, and he Yesterday acknowledged that I had related

lated it to him. After he arrived at *Blandford*, Captain *Byne* came over one Day from his Quarters, and I from mine at *Winbourn*, I immediately went to Captain *Irvine* to make a Report, Captain *Byne* was there, who would not take any Notice of me for near the Space of an Hour and a half, tho' I several Times forc'd my Conversation to him. When we were at Dinner, Captain *Irvine* dropp'd something about Quarter-Master *Hall's* Affair, on which Captain *Byne* desired to be acquainted with it; then Captain *Byne* said to me with some Warmth, you are very hot, and by what was afterwards said on the Subject, it appear'd Captain *Byne* knew more than what Captain *Irvine* had inform'd him of at Dinner. Then I accounted for Captain *Byne's* Behaviour, and Lieutenant *Ward* agreed with me, that Captain *Irvine* had related it before.

The Court then adjourned untill eight o' Clock To-morrow Morning.

August 11, 1758.

The Court being met pursuant to their Adjournment proceeded.

When Lieutenant Colonel *Dalrymple* came down the Day after, among the many things he blam'd me for, he ask'd me, what Business I had to reprimand Quarter-Master *Hall* in the Stables, that Captain *Irvine* had done it at Table, and sent him out of the Room; I told him, I believ'd he was mistaken, that Captain

Irvine had not. The Colonel said, Captain *Irvine* told him so, I turn'd to Captain *Irvine*, and put him in mind of his saying several Times, *he wish'd he had, that he was thinking of something else, and that Quarter-Master Hall's Behaviour did not strike him at the Time*, and the Lieutenant-Colonel observed upon it, that it could not be expected that two Dragoons should agree, when two Officers could not. The Colonel likewise blamed me for confining *Quarter-Master Hall*, and that it was against Captain *Irvine's* Approbation.——I ask'd Captain *Irvine*, if he had not said to me, if Mr. *Hall* had wrote to Lord *Albemarle*, (it being contrary to his Advice,) he was *determined* to put him in Arrest himself, he could not deny it, *this he had told the Colonel in my Absence*, and to make it appear still stronger, how capable Captain *Irvine* was of such Behaviour as this appears to be, I told the Major I had one positive Fact against him, which I saw with my own Eyes, and which I told Major *Bonham*, I never had mentioned, except to my Brother by Way of a Caution, *and that I would, if the Major approv'd of it, charge Captain Irvine with it before all the Regiment*: [This is no private Manner of acting,] that I saw in Captain *Irvine's* own Hand, (I think it was in the Camp,) in a Pocket-Book which were Minutes of Major *Bonham's* Conduct at *Manchester*, I made some Remark on what I saw, and Captain *Irvine* made Answer, *they might be serviceable some Time or other*; the Truth of this I will protest in the most solemn Manner; upon the Major's telling Captain *Irvine* of it, they
both

both came to me while I was in Arrest at *Blandford*; and after many Protestations from Captain *Irvine* of the Falsity of what I had advanc'd, I was asking how the Lieutenant-Colonel came to know every Thing that pass'd there, he said, he hoped I did not suspect him, for so far from his mentioning of it, he offer'd to lay any Wager, *the Lieutenant-Colonel knew nothing of it*, afterwards, when I was observing to him, that Lieutenant *Ward* had often said to me with Surprize, that the Colonel *did know it*; in the Confusion of his Defence, he said *that Lieutenant Ward had often said the same to him*, and that, *he had said the same to Lieutenant Ward*, but that was no Reason why he had told the Colonel.—Captain *Irvine* likewise at first said, that he never had a Pocket Book in his Life, but before he went out of the Room he took Care to insist on it, that Major *Bonham* should see all his Pocket Books.—These Circumstances which in themselves are very conducive towards the Court's forming an Idea of the Probability of the main Point, as Captain *Irvine* is so contradictory in these Particulars, are yet disagreeable to be laid open in so publick a Manner, but it is incumbent on me, for my own Honour, to draw it as near a Proof as possible, which I should imagine, (but from the Improbability of Captain *Irvine's* doing it,) there could be scarce any Doubt of before, by the Danger there was in advancing such a Thing, and in maintaining it, and what could prompt me to it, but to justify the Assurance I had of his Behaviour to me, and to lay him

open to the Regiment, that he might not embroil others. When I told Major *Bonham* of it, my Manner of discovering of it had I believe little the Appearance of Artifice or Falshood. Indeed I am now sorry I discover'd it at all, solely on the Major's Account, as Captain *Irvine* has *without any Possibility of Honour to himself*, by so publick an Act, given Occasion for Detraction and Ill Nature, to make what Interpretations they pleased on Major *Bonham's* Conduct, when if Captain *Irvine's* own Minutes were produced, they could be no Reflections but upon the Writer of them.

Captain Irvine's Reply to the Prisoner's Defence.

Mr. President and Gentlemen of the Court-Martial, I have given in my Charge against Mr. *Moreland*, for accusing me of the grossest of all Crimes, contrary to the Character of an Officer and a Gentleman; I have *proved this Accusation*, I hope to the Satisfaction of the whole Court, by Major *Bonham's* Evidence, and Mr. *Moreland's* own Confession. I hope I shall prove to the Satisfaction of this Court, that the Gentleman who has accus'd me of this grossest of all Crimes, has from his first Entrance into the Regiment, had a particular Dislike and Aversion to me, which *appeared in every Circumstance of Life*, by wresting every Word and Action of mine to a bad Sense, and to my Prejudice; but this Aversion *never shew'd itself openly*, untill he had ask'd Leave to sell out of the Regiment, and was involv'd in some Troubles,

bles, that brought him under Arrest, and then for Reasons best known to himself, he endeavour'd to make a Breach of Friendship, between the Gentleman who was appointed President of this Court-Martial and me, by telling him that I kept private Minutes of his Conduct, to be made Use of against him at a proper Time *to his Prejudice*,—Mr. *Moreland* instead of any Proof to be adduc'd against me, *honestly* owns he has none, but instead of that has given in a most elaborate Performance, which on the very Face of it, carries a Proof and Demonstration, that he has been a Spy upon my *unguarded* Words and Actions, and made it his constant Practice to register and connect every Thing I said, and to pick out the seeming Contradictions, so as to make me appear before this Court guilty of saying inconsistent Things, or rather plain Falshoods, and consequently thinks the Transitions from these Inconsistencies to the Minutes of the Pocket Book against Major *Bonham*, will be easily believ'd by the Court, without any Proof but his bare Assertion, or *ipse dixit*.—But I am happy to think I appear before a Set of Gentlemen of Honour, Judgement and Capacity: To you, Gentlemen, I submit the Vindication of my injur'd Character, who, I am sure, will unravel the whole of his and my Conduct, punish the Guilty, and acquit the Innocent.

Before I endeavour to lay open to this Court the Particulars of this elaborate Piece, I beg Leave to ask Mr. *Moreland*, if he has any Thing to add to the Paper he has already giv-

en in, as I would not wish to interrupt him in the least, and if he has nothing to add, I will go on.

Gentlemen,

All these chymical Inconsistencies he lays to my Charge, are so weak in themselves, and so very deficient of Proof, to settle the Belief of my keeping Minutes in my Pocket Book against Major *Bonham* in the Minds of this Court, that were they to go no further, I would not think it worth While to trouble the Court with answering them, as I am sure they would have no Influence on you Gentlemen, to fix so gross a Crime upon me, as he had alledged against me, but lest this elaborate Defence should go abroad in the World without any Animadversions upon it, and thereby the unthinking Part of Mankind be imposed upon, give me Leave to answer them Article by Article, and in them you will find the strongest Marks of Jealousy, as well as unjust Aspersions, from his great Dislike to me.

Captain *Irvine* says, to that first Accusation in the Prisoner's Defence, that he saw him in a Passion, and acting, as he thought, very unbecomingly to a Warrant Officer, what more friendly Thing could he do to the Prisoner, than to take him under the Arm, and *walk him aside*, untill his Passion could subside; Captain *Irvine* is condemned by many for his Lenity and Neglect of Duty in this Particular, and at the same Time condemn'd by the Prisoner for acting partially against him.

Captain

Captain *Irvine's* Question to Mr. *Hall* whether he inflam'd Mr. *Hall* by checking the Prisoner in his Presence, and by taking no Notice of what the Prisoner charg'd the Quarter-Master with; and that that was the Reason the Quarter-Master threaten'd to write to Lord *Albemarle* that Sunday Morning at *Basingstoke*.

Quarter-Master *Hall* being sworn, saith, that he never saw either Hint or Motion of Captain *Irvine's* that could induce him to say he would write to Lord *Albemarle*, and further saith, he did not look upon Captain *Irvine* to be his Friend.

Captain *Irvine* in Answer to the next Part of the Prisoner's Defence, (which is relating to Captain *Irvine's* telling the Abuse that the Prisoner gave the Quarter-Master,) particularly to Mr. *Ward* that Morning by not mentioning what he charg'd the Quarter-Master with, which was the Cause of his Provocation and which Captain *Irvine* heard, contradicting himself before Major *Bonham*, in saying he did not KNOW the Provocation given by the Quarter-Master, tho' the Prisoner had told him of it, says, that the Prisoner's whole Conduct to the Quarter-Master that Morning, in not first making his Complaint to him, was so unlike an Officer, that no Provocation from the Quarter-Master could be any Justification for him to Lieutenant *Ward*, supposing Captain *Irvine* had told it to Lieutenant *Ward* in the Manner the Prisoner represents, which he does not recollect, besides his Complaint against Quarter-Master *Hall* appear'd to him so very indistinct *,
till

till the Evidences were call'd, which was some Time afterwards, that his not mentioning it to Lieutenant *Ward*, and his saying, as the Prisoner alledges, before Major *Bonham*, a considerable Time afterwards, *that he did not KNOW, or UNDERSTAND* the Complaint at the Time it was made, will appear no inconsistent Thing to any reasonable Man.—but to convince the Prisoner he will not attempt.—*In Answer* to the next Part of the Defence relating to Captain *Byne*, Captain *Irvine* declares, he never gave any other Account of the Quarrel with Quarter-Master *Hall*, than what appears in the Evidence he gave last Wednesday.

Captain *Irvine* in *Answer* to the next Part of the Prisoner's Defence relating to Colonel *Dalrymple*, calls upon the Colonel to declare, whether he ever gave him any unfair Representation of the Prisoner's Quarrel with Quarter-Master *Hall*, or in any other Way than agreeable to the Evidence he gave last Wednesday.

The Colonel being sworn, says, that Captain *Irvine* never gave him any other Account of the Affair, than has appear'd upon his Evidence, and further in arguing with him upon it, does not recollect, that Captain *Irvine* shew'd any Malice, or Design to hurt the Prisoner.

In Answer to another Part of the Prisoner's Defence, (which is, that Captain *Irvine* had said at one Time, *he had not order'd Quarter-Master Hall out of the Room at Basingstoke*,) he absolutely denies, as far as his Memory serves him, and the contrary appears both in his Evidence, and Quarter-Master *Hall's* last Wednesday.

In

In Answer to another Part of the Prisoner's Defence, wherein he accuses Captain *Irvine* of Inconsistency, (relating to confining Quarter-Master *Hall*, Captain *Irvine* very well recollects, that both he and Lieutenant *Ward* gave it the Prisoner as their Opinion, that Evening before the Quarter-Master was confined, to drop the Affair, in Consideration of some little Scrapes the Prisoner had been in before, and what Captain *Irvine* said in Relation to his determined Resolution, to confine the Quarter-Master, if he should presume to write to Lord *Albemarle*, was previous to this Advice; how hard is it, that he can't be allow'd to alter his Opinion, without being supposed guilty of Inconsistencies and Equivocations, besides the Quarter-Master did not write to Lord *Albemarle*, till after he was confined; for he appeals to Lieutenant *Ward*, and Cornet *Francis Moreland*, and Quarter-Master *Hall*, if after the Quarter-Master was order'd by him in Arrest, he did not say, going out of the Room, " I hope, Sir, " you will give me leave to write to Lord *Albemarle* now;" he answer'd him, he might if he pleased*.

Lieutenant *Ward* being sworn, says he can't very well remember the Quarter-Master's Speech, but perfectly recollects Captain *Irvine*'s Answer as above.

P

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* These Evidences are a sufficient Reply to Captain *Irvine*'s Appeal, but Lieutenant *Ward* knew that the Quarter-Master had wrote once before, from *Basingstoke*, which Captain *Irvine* might have forgot, tho' it produced his Resolution.

Cornet *Francis Moreland* being sworn, says, he thinks he heard Quarter-Master *Hall* say, he would write to Lord *Albemarle*, and insist upon a General Court-Martial.

Quarter-Master *Hall* says, he said the above Words, and to the best of his Remembrance, Captain *Irvine* gave him the above Answer.

In Answer to another Part of the Prisoner's Defence, where he says, that Captain *Irvine* should advance to Lieutenant *Ward*, or Lieutenant *Ward* to him, that Colonel *Dalrymple* knew what passed at *Manchester*; and then at another Time saying, he did not know it; he believes it will appear to every reasonable Man, that it is common with all Mankind, in Things that are not absolutely certain, to change their Opin on, as Circumstances may vary.

In Answer to another Part of the Prisoner's Defence, relating to Captain *Irvine*'s Declaration; that he never *had* a Pocket Book, Captain *Irvine* absolutely denies, † and it would be a very extraordinary Thing, if he who is Pay-Master to the Regiment, should not have Occasion sometimes to make Use of a *Pocket Book*, and therefore declares, that he only told Major *Bonham* in Presence of the Prisoner, *as well before as afterwards*, that he very seldom troubled himself with *carrying* a Pocket Book, but frequently trusted little trifling Affairs relating to his

† Major *Bonham* was call'd upon by the Prisoner to support *every Thing* he had advanc'd, which the Major was Witness to, but was prevented by Captain *Irvine*, saying, there was no Occasion for it, *as he had granted and answered every Thing*. This Circumstance, (by Submission,) is a good Evidence for the Prisoner, tho' the Major said nothing at all

his Business as Pay-Master to his Memory, for the Truth of which he appeals to Lieutenant *Ward* and Colonel *Dalrymple*, who has often reprimanded him for this Piece of Negligence.

Lieutenant *Ward* being call'd, says, he does not remember he ever saw Captain *Irvine* have a *Pocket Book* about him, and that he has reprimanded him for it, as a Piece of Negligence.

Colonel *Dalrymple* being call'd, says, that Captain *Irvine*, as Pay-Master, has always kept his *Accounts* in a satisfactory Manner to the Captains of the Regiment, and takes it for granted he had *Books* necessary for that Purpose, but does not recollect that he ever knew Captain *Irvine* carry one in his *Pocket*.

In Answer to that Part of the Prisoner's Defence, immediately following that Part relating to the *Pocket Book*, wherein he seems to put some Stress upon his own Candour, in making this Accusation to Major *Bonham*, where he could reap no Advantage, but might draw himself into a Quarrel, appears to Captain *Irvine* as a very studied and artful Insinuation, to give a Plausibility to his Charge, and every Gentleman here, he hopes, will on the smallest Reflection, see, that it is not possible to account for the Motives of many People's Actions, and that this in particular may be more easily resolved from a most extraordinary and uncommon Dislike and Jealousy of him, without considering the Consequences.

In Answer to the Apology, the Prisoner makes by expressing his Sorrow, that he ever spoke of this Affair, merely on Major

Bonham's Account, *Captain Irvine* does not doubt will appear to the Court, as put into his Defence, with the same View as his original Accusation, in order to make a Breach of Friendship betwixt Major *Bonham* and him, but *Captain Irvine* is perfectly well satisfied of Major *Bonham's* Sentiments and Approbation of his clearing his Character before a General Court-Martial. But now Gentlemen, as he has gone through the whole of the Prisoner's Defence, more to prevent the unthinking Part of Mankind from being imposed upon by the Plausibility of the Truth of it, than out of any Fear of its misleading the Court into a Belief of the Prisoner's Accusation against him.——He begs Leave to ask this Question; allowing the Prisoner all the Strength of Argument he can draw from his Defence: Does any Part of it, or all of it join'd together, prove any Thing of his keeping Minutes of Major *Bonham's* Conduct to his Prejudice? which is the Prisoner's Accusation against him, as he said in the Beginning.——You will see by the whole of the Prisoner's Conduct, how alert he has been in recording all the seeming Contradictions he could pick up from his Conversation, ever since he came into the Regiment, and was he to answer every Trifle, he should give a great deal more Trouble to the Court than he is inclined to do; he shall therefore call upon the Prisoner, and some other Gentlemen of the Regiment to answer some Questions which will put the whole Affair in a clearer Light before the Court, than tracing him any farther through the Labyrinth

fifth of Contradictions, he has loaded him with.

Captain *Irvine* asks the Prisoner, first, how long ago it is since he saw this Pocket Book of his, and where he saw it.

The Prisoner says, he thinks in Camp, but is sure it was *at the Time* the Regiment was in Camp last Year at *Salisbury*.

Second Question. How the Prisoner came to see his Pocket Book, whether he gave it him to read, or read it to him himself.

Answer. The Prisoner was walking with Captain *Irvine*, and had hold of his Arm, when he pull'd it out of his Pocket, but neither gave it him to read, nor read it himself, but to the best of his Remembrance he referr'd to his Pocket Book on some Occasion, whether in regard to the Conversation or not, does not remember, but in turning over the Leaves, he saw what he has deposed; *he fancied that he was authorised by what they were talking of*, to cast his Eye on the Pocket Book, tho' he does not believe the Conversation at all related to Major *Bonham*.

Third Question. Why did not the Prisoner put Major *Bonham* upon his Guard against this Villany sooner, but let it lie over until he was in Arrest for an Offence, for which Major *Bonham* was appointed President of the Court-Martial intended to be held upon him two Days afterwards, and that he ask'd Leave to sell out of the Regiment.

Answer. — As it was not a Thing the Prisoner could prove, thought it a very unnecessary and

and a very imprudent Thing, to create a Jealousy between two Gentlemen; but the Reason for his telling the Major of it, at the Time he did, was because the Major was extremely urgent with him to look upon Captain *Irvine* as his Friend, which he thought he had a great Reason to suspect he was not, and to corroborate his Suspicions of Captain *Irvine*, told the Major what he knew him to be capable of, but *did not know at that Time, that Major Bonham was to be President of the Court-Martial.*

Lieutenant *Ward* being ask'd by Captain *Irvine*, what he knows of the extraordinary Dislike and Prejudice the Prisoner had against him from his first coming into the Regiment, and of his wresting every Word and Action of his to a bad Meaning, and to his Prejudice.

Says, that he cannot pretend to say particularly what the Prisoner has been jealous of Captain *Irvine* for, but Captain *Irvine* may have heard him say, he was a Man of a very jealous Disposition, or that he thought him so, and that he seemed to be always particularly suspicious of him, (Captain *Irvine*.)—And this Declaration of his he does attest to the Court, but does declare upon the Oath he has taken, that it was not out of any Ill-Will to the Prisoner, nor with any Design to aggravate the Circumstance he is under, that he said this, but as the only Way, by which he could account for the Cause of them.—Says, he believes the Prisoner has often mistaken Captain *Irvine*'s Behaviour to him, but can't pretend to affirm, he has put a wrong Interpretation

tion on every Thing relating to Captain *Irvine*.

Captain *Irvine* asks Lieutenant *Ward*, if he has not often endeavoured to set the Prisoner right, and to dissuade him from entertaining a bad Opinion of him, when he has been launching out to Captain *Irvine's* Prejudice.

Answer. — He believes, he has often endeavour'd to soften that bad Opinion, and to alter the Prisoner's Interpretation of many Things, that may have pass'd in relation to Captain *Irvine*, not believing they deserved the Construction he might put upon them.

Captain *Irvine* desires that Cornet *Francis Moreland* will declare at what Time his Brother Cornet *George Moreland* told him by Way of Caution of his keeping Minutes of Major *Bonham's* Conduct to his Prejudice.

Answer. — Is not sure whether it was when he came down to *Reading* in the Middle of *April*, or when he came down afterwards on the first of *May*.

Cornet *Francis Moreland* being ask'd by the Court, upon what Occasion his Brother founded the Caution he gave him. — Says, that his Brother told him, he was walking Arm in Arm one Day with Captain *Irvine* in the Camp, that he was turning over his Pocket Book, and casting his Eye upon it, saw the Minutes in relation to Major *Bonham*, mentioned above, and that Captain *Irvine* suspecting he had seen them, was in some Confusion, and made Answer, they may be serviceable one Time or another.

The Court then adjourned till Eight o'Clock To-morrow Morning.

August the 12th.

The Court being met pursuant to their Adjournment, proceeded.

Captain *Irvine* calleth on the Officers of the Regiment to declare what Character he bears.

Colonel *Dalrymple* deposeth, that soon after he was appointed Lieutenant-Colonel to the King's own Regiment, that he received Lord *Albemarle's* Orders to assemble the Captains, in Order to appoint a Pay-Master, which the Regiment wanted, and as a Mark of their Opinion of Captain *Irvine's* Integrity, they chose him; that ever since he had always had Reason in his humble Opinion to esteem him a Man of Probity and Honour, and a good Officer.

Major *Bonham* being call'd on, deposeth, that Captain *Irvine's* Character, as an Officer and a Gentleman, was always unexceptionable.

Lieutenant *Stanley* being call'd upon and sworn, deposes, that he has known Captain *Irvine* for near seven Years, and that it was always his Opinion, that he was a Man of Honour, and a Gentleman, and had been esteemed as such by all the Corps.

Lieutenant *Ward* being call'd upon, deposes, that he has known Captain *Irvine*, he believes six Years, during which Time he was always esteem'd by the Officers of the Regiment, and look'd upon as a Man of Honour, and a Gentleman, and that he always thought him to be such,

Lieu-

Lieutenant *Richmond*, Cornet *Clegg*, and Cornet *Price* depose upon Oath, they never knew that Captain *Irvine* behaved otherwise than as a Man of Honour, and a Gentleman, nor ever had any Reason to doubt his Veracity.

The Prisoner calls on Lieutenant-Colonel *Dalrymple*, and the rest of the Regiment, to declare whether they ever thought him capable of a *Falskood*, previous to this Affair.

Colonel *Dalrymple* deposeth, that he always had Reason to have a favourable Opinion of the Prisoner before this Affair, though in a former Transaction, was deceiv'd by, or misunderstood him, but his Character made him believe, that he had rather misunderstood him, than been deceiv'd by him.

Major *Bonham* deposeth, that he always look'd on the Prisoner to be a Man of strict Honour, nor ever had he the least Reason to think him capable of a Falsity.

Captain *Irvine* deposeth, that he never had the smallest Reason to doubt the Prisoner's Veracity.

Lieutenant *Stanley* deposeth the same as Captain *Irvine*.

Lieutenant *Ward* deposeth, that so far from doubting the Prisoner's Veracity, there was no

Man's Principles he had a better Opinion of,——

Lieutenant *Richmond*, Cornet *Clegg*, and Cornet *Price*, depose, that they never knew the Prisoner behave otherwise than as a Man of Honour, and a Gentleman, and never had any the least Reason to doubt his Veracity, and always heard him commended as a good Officer.

The Court then adjourn'd until eight o'Clock
Monday Morning, the 14th Instant.

August 14, 1758,

The Court met according to their Adjournment, and after having duly consider'd the Evidences for and against the Prisoner, is of Opinion, as follows, *wiz.*

That it not appearing to the Court that the Abuse given to the Quarter-Master, was while he, (the Quarter-Master) was making his Report to the Commanding Officer, is therefore of Opinion that he is not guilty of that Part of the Charge laid against him.

It is also the Opinion of the Court that the Prisoner is not guilty of disobeying his Colonel's Orders as express'd in the Charge against him, it not appearing to the Court that the
him,

Prisoner ever receiv'd those Orders, does therefore acquit him of the above Charges.

It likewise appears to the Court, that Quarter-Master *Hall's* Speeches to Cornet *Francis Moreland's* Servant, (he supposing him to be the Prisoner's Servant,) was an indirect Threatning to beat the Prisoner himself, and also that his contemptuous Silence when he was call'd to by the Prisoner, when on Duty, and not coming to him, are what he ought to be confin'd for, and try'd.

The Court having used their utmost Endeavours, (as far as their Capacities would enable them,) to inform themselves of the Truth or Falshood of the last Charge against the Prisoner, *viz.* *Falsly* aspersing Captain *Irvine's* Character; and as nothing has appear'd to them, by which they think themselves authorized to condemn, or acquit him, they are totally at a Loss what Judgment to form, for it appears to the Court by the Characters the Officers of their own Regiment have given those two Gentlemen, that there is as equal an Improbability of Cornet *George Moreland's* advancing a Falsity, as there is a Likelihood of Captain *Irvine's* being guilty of the Accusation. But as the Court-Martial, (in the doubtful Circumstances of the Case,) find themselves under the most disagreeable Alternative either to condemn or acquit the Prisoner, they do very unwillingly acquit him, there not appearing sufficient Evidence to convict him.

It is the Opinion of the Court, that the Prisoner's Asperity of Resentment has induced him in his Defence to cast most groundless, unjust, and unsupported Reflections on Colonel *Dalrymple*; for it appears to them, (so far from his meriting Detraction,) that he has behaved with the utmost Impartiality.

Judge Advocate's Office, JOHN TOOVEY, President.
October 12, 1758.

A true Copy.

JOHN MATTHEWS.

In the Absence of the Deputy Judge Advocate-General.

(A N)

A P O L O G Y,

T O

Lieutenant-Colonel D A L R Y M P L E,

In Consequence of the Sentence.

Asperitatis Corrector & ira

Recte facta refert.

HOR.

S I R,

TH O' I am under no other Obligation than the Respect due to the Opinion of my Court-Martial, yet, as it has thought proper to censure me for reflecting on the Part you have acted in this *important* Affair, I think it very incumbent upon me, to make some Apology for the Liberty I took in doing it. That my Assertions were *groundless* and *unjust*, seems to be a Point already settled. That they were *unsupported*, respects only a Part. If the rest that comes under that Head were omitted to be supported, it was because I did not know the Court was impowered to redress me for so much Ill-Usage, as well as to acquit me of the Charges laid against me, which, by taking my Complaints against you into Consideration, seems to have been the Case. It was from my Ignorance of this, that I, *as it were*, gave up that Point by *consenting*, that the Particulars relating to you, which remain on the Face of my Defence should be left out. But had I foreseen that an Opinion was to be deliver'd upon them, I should have

have troubled the Court with a separate Examination into the Truth of every Thing I advanced. However, it is now too late, all that remains, is to beg your Pardon for what the Court has been pleased to term Detraction; and that you will not impute it to any malicious Intent, but make use of that Impartiality, so openly commended, to allow of the Possibility of my being misled; when you consider the Plausibility of some Circumstances, and the suspicious Temper I am reported to be of, by a Gentleman, who undoubtedly ought to be acquainted with it, *as he was two Years my most intimate Friend.*

Will you give me Leave, Sir, to avail myself, at the same Time that it is a Justice to you, by acknowledging, that I never before met with any Ill Treatment from you, but rather the reverse: and particularly when this Affair happened, *I was very sensible* of some Obligations I was under to you, which would have been very prevalent with me, to look upon you as my Friend, and to shut my Eyes *however suspicious* against any slight Appearance to the contrary. But you will naturally ask, why any Appearance could get the better of Conviction? — I unluckily got a Notion that the Quarter-Master was to be *protected*; and the Sentence of my Court-Martial shews that Justice could not effect it; so upon that Account, and no other, all the Trouble that I met with, I interpreted a *partial and arbitrary Proceeding*, by what easy Steps I was led into this Error, I leave to your own Candour.

You

You will acquit me of any Vanity, if I say that the Sentence of the Court about the Quarter-Master, exactly agrees with the Idea I entertained of it from the first, and indeed, in my humble Opinion, the united Judgement of thirteen Gentlemen, was very unnecessary to decide so *plain a Matter*. You very well know, Sir, that there was no Circumstance laid before them, which had not appear'd at the *Court of Enquiry*, and *the Minutes of it were read, and declared to agree with what was deposed before them*. This then being the Case, and having that humble Opinion of my own Capacity, as to think, that you, Sir, and the Gentlemen of the Enquiry, were as capable of judging as myself, I could not resist the Workings of Suspicion, and unjustly imputed to Partiality, what I am now taught to look upon as Error in Judgment: and when I recollect that angry Tone and Demeanour, and those passionate Expressions that escap'd you, and which you was so sensible of, as to apologize for to the Court, declaring it to be constitutional; when, I say, I recollect them without that Prejudice I am censured for, I can suppose them naturally excited by my Obstinacy in rejecting your Advice, which you thought so obvious; and when you said that possibly you might be President of my Court-Martial, and that I therefore knew what I had to expect, you might intend it only as a Warning, by letting me know the little Hopes I had, had you been my Judge, since I knew your Sentiments of the Affair.

Whatever

Whatever Proofs such Sort of Hints might be of your Friendship, I cannot help acknowledging, that even that gave Way once to your Impartiality, when you took your Seat at the Enquiry, and ordered me, *in a particular Manner*, to leave the Room; so that my Absence prevented me from byassing your Opinion by any Arguments of my own. The Enquiry was not to be look'd upon as a *regular* one, it could not, after you had thus sat upwards of an Hour at it yourself: what then became of all that Gravity and *Noli me tangere*, which you invested it with? You order'd it to be adjourn'd to the next Day, because (as you said,) it was *irregular* to sit so late; afterwards you denied me making any Reply to some false Depositions of the Quarter-Master, declaring it to be *irregular*, till somebody gave it as their Opinion you could not. I must confess I had not Penetration enough at that Time, to reconcile these *seeming* Inconsistencies. It is plain that the Quarter-Master's Charge had the greatest Weight with you, and that I became the Criminal; Should I not then be permitted in my own Defence, to make some Reply to it, especially as you express'd so great a Desire that I should *extricate myself from such an unhappy Affair*: perhaps from that Motive you at last consented, but I was then so foolish as to decline it thro' Pique, because you took the Pen, and prefaced it as a Petition.

Notwithstanding the Solemnity which the Enquiry assum'd, I was now and then pert enough to give my Opinion a little too freely,

as

as I could not help thinking myself talking to Officers and Friends. But tho' it was not to be look'd upon as a regular one, and that I receiv'd *Professions* of Friendship from *every* Member of it. I found them at too close an Argument, *jealous of their Authority, and intrench themselves in it*: Nay, so easily were they alarm'd, that when your Lieutenant who loaded me so heavily with Suspicion, was saying that my Complaint against the Quarter-Master *could not be proved*, and I unluckily answered, I would not wish for clearer Evidences, he cut me short, with a — “Pray Sir, do you take us to be——,” the Expression was rather too blunt: He meant to say, do you doubt our Honour, or our Capacity. Is not *this Method of convincing* apt to give a *suspicious Man* wrong Impressions?

The several Attempts you made to prevail upon me, *to let some of the Gentlemen of the Enquiry sit at my Court-Martial*, and your driving me to the unpolite Necessity of saying I would protest against them, then seemed to be a Proceedure that had little Impartiality in it, as *you knew* they had form'd an Opinion *to my Disadvantage*; indeed you said, (in a Note *I have by me*, on that Subject;) “that Captain *Irvine* should not be a Member but from
“Want of Officers. Tho' you saw no Occasi-
“on to keep him as an Evidence, to prove my
“Abuse of the Quarter-Master, as you ima-
“gined I should not deny it; but you did not
“think my other Request, (to exclude Captain
“*Byne*,) could be complied with, for that you
“saw no Reason for it, as what Opinion they

“ had formed, was founded upon examining
 “ into it, and in your humble Opinion, the
 “ more the Judges knew of it, the better for
 “ the Accused.” These Words I now acknowledge *seem* to carry nothing but a Regard to my Interest. I am sorry I was blind to it before, my only Apprehensions, (for I could have none of a Gentleman’s Honour in such a Case,) were, that the *Opinion they had form’d*, might prejudice me, and *Opinions are not easily erased*.

You denied *before the Court-Martial*, in Answer to a Part of my Defence, that any *Opinion* had been given me from the Court of Enquiry, but readily acknowledged, that you and all the Gentlemen that composed it, had express’d their *Sentiments* upon it. I never said it was a *written* formal Opinion that I receiv’d, and if it is only in that Sense, that the Word *Opinion* is made use of, I acknowledge the Injustice of the Reflection, and beg you will make an Allowance for my not understanding that nice Distinction. But as it was *upon those Sentiments* that you proceeded, and made a Report to Lord *Albemarle*, they were as *instrumental to his Decision*, and in Consequence as valid as if they had been written in Brass. I only mention this by Way of Apology for an unguarded Word.

In my Defence I lay some Stress on there being no Alteration in your Behaviour to me, *after I had consented to your own Terms*. This is a plain Demonstration how apt we are to look upon those Things with an Eye of Prejudice, which our Situation represents in an injurious Light.

But

But I can now discover, that my Compliance had not taken from the Reality of my Offence, and therefore I was equally open to the Effects of your Displeasure.

I come now to that Part, where I very unjustly accuse you with sending for a Letter of Discharge for the Quarter-Master, and I take it to be one of the Points that drew upon me the Censure of the Court. But if you will recollect some Circumstances attending that Particular, you must acknowledge a Person of more Sagacity and *less Suspicion*, might have been deceiv'd. It was with your Approbation that Major *Bonham* came at ten o'Clock at Night, to represent to me the Quarter-Master's Situation; at the same Time he asked me if I was willing to discharge him under my Hand, the Reason he gave was, *that you could not release him without it. Your Lieutenant* had been with me about an Hour before on the same Account, and I had consented to his Release: Nay, *had proposed it to you that Afternoon*, and was refused, and ordered to write out a Charge for a *General Court-Martial* upon him. However, as the Major deposed before the Court, it was his own Request, I am in that *One Point* mistaken, and I beg your Pardon. Still you must allow that the Quarter-Master was *released upon it*, and the *Project for the General Court-Martial laid aside*. This I knew could not be done without your Knowledge as commanding Officer, and thus I was drawn into an Error, by a *too plausible Concurrence of Facts*.

As there is no unjust Reflection I have been guilty of, which I am not willing to retract, I acknowledge myself too hasty in disputing, (because there was but five or six within Sight,) the Veracity of the seven and twenty Witnesses the Quarter-Master had collected together at *Basingstoke*, of which only two appear'd, and those very honestly, did not support the Addition I hinted at.

Where I say, had the Quarter-Master had a Court-Martial, he would have been released sooner. I did not reflect upon *you particularly*, I do not know that it was your Fault, tho' the Fault lies *somewhere or other*,—but that's neither here nor there.

I hazarded a Conjecture, which I am apt to think was another Point that turn'd out to my Disadvantage, as it was unsupported. “ That “ I had some Reason to believe Lord *Albemarle* “ did not know the plain State of the Case.” Is there any Thing unreasonable in such a Conjecture, *upon the Argument I produced in Favour of it*. Captain *Irvine* did not deny having shew'd me the Paper he had drawn up, but declared before the Court, it was done out of Friendship to me. When he shew'd it me he said it was to vindicate himself to Lord *Albemarle*. You say, Sir, in your Evidence, that you had represented the Affair to Lord *Albemarle* as it appear'd to you, (I acknowledge it, for I heard the Letter; but still that was not a *minute Account*, a plain State of the Case; By that Letter Lord *Albemarle* could only abide by your Sentiments of it, in the Light it appear'd to you,) which you must be now sensible was in a
wrong

wrong one: But if you remember the last Day I was before the Court, while it was clear'd, you shew'd me the Copy of another Letter to Lord *Albemarle*, dated *June* the 17th, wherein you mention having inclosed the Minutes of the Enquiry. There indeed my Mouth is stopp'd, and the Asperity of my Remark taken off; the Date of the Letter it is true, was *after* my being put in Arrest, but it is not less true, that a plain State of the Case had been sent up, tho' a *little late in Point of Time*. This I did attempt to mention to the Court when I went in again, but it was waved on Account of their having finish'd that Part of the Trial. I do confess I was then so wrong-headed, as to be confirm'd in my Conjecture, by that very Letter you shew'd me to confute it. Besides, in a Copy of a prior Charge, (for you know, Sir, I have had several Editions of them,) it says, and for disobeying the Orders of his Colonel, in making the following Submission. " That
 " his Passion had led him to make Use of very
 " improper Terms, when he only meant to re-
 " primand him *for threatening to beat his Bro-*
 " *ther's Servant, &c.*" And in your own Evidence there are the same Words, *declaring them to be* (as they really were,) *a Part of Lord Albemarle's Letter*. Could his Lordship write this, and at the same Time *know* the true Cause? or am I to persuade myself that his Lordship would not only overlook an Insult offered to every Cornet in his Regiment thro' me, but likewise make me appear more blameable by substituting such a trifling Provocation in the Room of a very material one. If you weigh
 these

these Reasons with Impartiality, you yourself, Sir, will excuse me, if I persist in that *Conjecture*, as it is *more easy* to credit an *Omission*, than that Lord *Albemarle* could *know* it, and a Charge be drawn up *so strangely worded*.

Some Circumstances made me imagine you was conscious of the Omission, and perceiv'd, tho' too late, that the Affair was likely to be carried too far, and wanted to get my Arrest taken off, by giving Lord *Albemarle* an Opportunity of acting upon his own Judgment, but that it should rather be done at my own Suit; such as, your Lieutenant sending the Day after I was in Arrest, to advise me to write to Lord *Albemarle* to let him know how the Affair was, if he had seen your Report of it, and that it had been *minutely* related, such Advice was unnecessary. My Answer was, that I was obliged to him, that the Thing should take it's Course. I had done nothing to be ashamed of, and would not *petition* about it. Next Day came Captain *Irvine*, and shew'd me the Paper he had drawn up, asking me if I objected to it, I told him I had no Concern in what he did *on his own Account*, so had no Title to object to it. I cannot conceive if it was for his own *Justification*, *why it was to be shewn to me*, or if out of *Friendship to me*, *why it needed that Excuse*. When I afterwards ask'd Captain *Irvine* if he had sent the Paper, he answered no; he would give in a fair Evidence at my Court-Martial, and that would clear him. However, that the Propriety of the Intention might not be laid aside, you, Sir, wrote that Night, *June 17th*, the Letter which you shew'd me, and enclos'd the

the Minutes of the Enquiry. This I dare venture to affirm, was the first circumstantial Account that went up. All this, as Captain *Irvine* says, might be done out of Friendship, but Friendship is rarely so mysterious.

It appear'd very extraordinary amidst all these Professions of Friendship, that when the Major left me the Night he got the Discharge, and reported that I would comply with Lord *Albemarle's* Conditions, that *all the following Day passed without any Offer to release me upon it*, tho' one of the Members of the Enquiry upbraided me afterwards *for going from my Word*. I did say I would do all in my Power, for I was weary of a whole Day's Persecution, and unwilling to persist in refusing the Major's Solicitations, as he urged them in a very friendly Manner, and *for these Reasons seemingly* complied, but why no Body came near me all the next Day I cannot imagine, unless the Quarter-Master had not recovered his Senses since I released him, sufficiently to receive my Submission with any Temper.

In the same Letter on the 17th of *June*, you dispute the Validity of the Evidence of the two Dragoons against the Quarter-Master, on Account of their Character in the Troop, and *if I am not misinform'd*, the Serjeant *who attended my Court-Martial, the whole five Days*, was order'd over from *Midhurst* to give them a Character. I confess he did not appear against them, and believe it never would have occur'd to the Court to enquire into that Point, tho' *the Enquiry laid such a Stress upon it*. To be sure, it was necessary to back their Sentiments, as
the

the Deposition of the Dragoons agreed both Times so well. I do not see what else could have byas'd their Judgment, so far out of the Way.

When I acquainted the Court of your saying that you did not know but you might have it in your Power, to disapprove of my Court-Martial, I look'd upon it as having been said to intimidate me, and was surpriz'd when you declar'd it was Ignorance in that Part of the Service. Nay, *the President himself*, at my first mentioning it, cry'd out, "Colonel *Dalrymple* " *could never say so.*" Is it not then very excusable in me to put that Interpretation upon it, when I had met with so much ill Usage to make me *suspect* it. I mention'd the Preparation for a General Court-Martial on the Quarter-Master as a Peice of *Parade* to work upon me, but was *I* to set that down as Ignorance of the Service, I believe your Character as an Officer, is too well known to preserve me from the Charge of *Detraction*.

The Sentence of the Court has set me right in my Manner of interpreting some Things during my Trial, which were Proofs that you acted without Partiality, *Favour* or *Affection*, &c. For after Captain *Irvine* had declared that I did wait till the Quarter-Master had finish'd his Report, you endeavoured to prove that I did not upon that solid Argument, that, "no
" Officer can be said to have finish'd his Ré-
" port till he is dismiss'd." I was stung with the Force of it, and could not help asking you if you was Council for the Quarter-Master, and was answered that you prosecuted for Lord *Albe-*
marle.

marle. You did not a little avail yourself of indulging me with the Liberty of Walking out at *Blandford*, and at *Guildford*: At the first Place you said I had forfeited that Indulgence, by passing the Market-Place, (though not in my Regimentals,) while General *Duroure* was in the Town, and calling to one of the Officers to take a Walk, as they stood talking with you in the Street, and upon my denying it, appeal'd to Lieutenant —. Yet you both found yourselves mistaken, which a Person of your Candour, would have guarded against on such an Occasion, as a Levity of this Kind might have hurt me in the Opinion of the Court. 'Tis true, you once more gave me Leave on applying for it at *Guildford*, but as you made a Merit of it before the Court, I took the Liberty of saying, you had not much to boast of on that Account; as you at the same Time ordered me not to appear in the Streets as an Officer, a Restriction I paid little Regard to, thinking none but his Majesty, or a Court-Martial had that Authority. Possibly I may be as ignorant of your Power in this Respect, as you confessed yourself to be in the other.

If there is some Asperity in my Defence, you will allow there is some likewise in the Wording of the Charge. When the Major gave me Notice that Lord *Albemarle*, and yourself had at last fixed upon one, I apprehended some *new* Discovery about to be lodged against me, but was glad to find, that the retrenching the Mistake *about the Servant*, and a little more Virulence of Expression, was all the Alteration it receiv'd. Had my Accusers been less

I

carried

carried away by their Resentment, they would have seen the Impropriety of adding the Word *falsely*, which I must be convicted of, or the Court be put to the disagreeable Alternative of acquitting me, *i. e.* declaring, that it did not appear to be false, a Decision which they must very unwillingly subscribe to for Captain *Irvine's* Sake, had my Accusers likewise reflected that they had *not one Evidence* to support that Expression, the Desire of making me suffer would have given Way to the Impotence of the Attempt. I believe I never was guilty of a *Contradiction*, nor even an *Inconsistency* in any Thing I deposed, *nor was ever put to the Necessity of explaining any Thing like one.* How the Terms "to use afterwards to his Pre-judice" crept into the Charge I cannot tell, they do not appear in the Major's Evidence, and he has often declared to me he never made Use of such. But I must do Captain *Irvine* the Justice of saying, so far from his Wording the last Paragraph about himself, that he denied ever having seen a Copy of it till it came down in the Warrant. This he told me when I call'd upon him the Day after I was at Liberty, and ask'd him about it.

The Expression then of Ungentlemanlike Behaviour and Falshood, must be put in by somebody else, had the Assertion been known to be false, by Proofs in their Power to produce, it would have well deserved such severe Additions, otherwise it would have been more candid to have deferr'd them. The Discovery could not be by Stealth, *as I immediately mentioned*

oned it to Captain *Irvine*, and I never thought it unbecoming the Character of a Gentleman, to endeavour to open the Eyes of another on just Grounds, and where it was not done with the Intention of private Aspersion, but offer'd to be *openly declared* and maintain'd. The Imprudence of the Step I acknowledge, but the Major's Conversation on one Hand, and the Ill-Usage I had received on the other, got the better of Pol

You must be sensible, Sir, that *whoever* drew up a Charge of this Nature, not only struck at my *Commission*, but my *Character*, and it was natural to suppose, that when this was the Case, the *Person* who drew it up had some Proofs in Hand to support it, or else, for any Thing that appears to the contrary, *it falls under its own Lash*. It is an *easy Thing* for a *Commanding Officer* to lay a *defamatory* Accusation before a Court, if he is not required to *find Proofs*, nor be answerable to that Court if there is none. But a Charge so *injuriously levell'd* as this is, from a Superiour Officer will sometimes pass unnotic'd, while a severe Truth from an Inferiour, is treated as a Calumny. Nevertheless, I am so little conscious of having deserved* it, that I feel no Reluctance in making it publick, a Test which an ungentlemanlike Behaviour will always shrink at.

Yet this Article is not the only one which seems calculated to break me, that of Disobedience of Orders is full as heavy. As soon as my Court-Martial was to come on at *Blandford*, you sent me verbal Notice what I was to be

tried for, and *then* there was not the least Mention of any such Thing, *Nor in General Napier's Letter*, (if I remember right,) tho' it was *a more material Fault*, than my Offence to the Quarter-Master, which seems by that Extract in your own Evidence, to have been *the only Point* that was laid any Stress on, and yet the Letter came *the Day after* the Express from Lord *Albemarle*, but I believe nobody dreamt of it till the Express arriv'd, and then, and *not before* you came to acquaint me of it yourself. Till then I do not think you suspected me guilty of *a Breach of the Military Law*, relating to Obedience of Orders, because you very justly observed in the Heat of your Passion, (when you reprimanded me for passing the Market-Place at *Blandford*) " That my Crime was not of that Nature, to hinder me walking out whenever " I pleased." If you prosecuted me with a little Severity, you prosecuted for Lord *Albemarle*, and one of the strongest Arguments you made Use of, when I said I always look'd upon his Lordship's Decision, as a Decision, not as Orders, was, " that it was not usual for Colonels, " when they wanted their Officers to do any Thing, " to ask it as a Favour." You likewise acknowledged with great Candour, on being ask'd whether you deliver'd it as an Order, that you could not say you did ; and you could not say you did not, it was upon Recollection you spoke more determinately that you did, and have since express'd your Surprize that it had not more Weight with the Court. Tho' *it has been said that I ought to have been breke for it*, yet allowing

ing your possi its full Force, the
Candour of Court is at Liberty to determine
from Circu tances, whether I understood
the Decisio as an Order or not. Every impar-
tial Man should be contented with my having
stood the T l. without being *disappointed* at
my Acquitta.

I cannot help thinking how the Charges have
been accumulated; it must be allow'd that
Disobedience of Orders was a necessary Additi-
on to my original *Crime*, which by itself would
have cut an odd Figure, and rather been tri-
fling with the Solemnity of a General Court-
Martial, and the Respect due to a Warrant
sign'd by his Majesty. How lucky was it on
this Account that I mention'd Captain *Irvine's*
Affair, it was another Molehill towards the
making a Mountain, tho' any one must know
that no Court of Judicature whatever could
come to any *certain* Determination about it.
Yet so little Conception does the Court seem to
have of the Importance of the first Object,
that they took no Notice of it in the Sentence,
otherwise than as a Part of a Charge, of which
I am declared not guilty. But if I am to sup-
pose that the great Weight it was of to the
Enquiry, was owing to their *peculiar Manner*
of Thinking, and *not to any Partiality*. I would
be glad to know why a Quarter-Master that
had been guilty of a *greater Offence*, against all
Rules of military Discipline, and Subordination,
was *not* brought to a Court-Martial, *at a Time*
when *Captain Irvine, and Lieutenant Ward both*,
as appears by their Evidences, were of Opinion
that

that the Depositions of the twoagoons were
sufficient to support my Charge. h this abso-
lute Knowledge of the Affair c d likewise
at the Enquiry, (as my Court-Ma was fa-
tisfied of in pursuing it, and which I would
publish, if it was in my Possession.) I say, *un-*
der these Circumstances to have the Quarter-Mas-
ter treated as an injured Man, and myself per-
secuted and put in Arrest, carries some Marks
of Partiality; if Partiality has any Marks at
all. But I am willing to think from the Sen-
tence, that the Part you have acted was an Er-
ror in Judgment, and indeed you frequently told
me, had I complied with Lord *Albemarle's* De-
cision, *you* would have broke the Quarter-Master,
if it was a Piece of Justice, the same Sentence gave
his Lordship and yourself an Opportunity of do-
ing it. I had declared to the Court that I would
not prosecute him, as I had forgiven him; but
your Letter of *October* the 10th, to let me
know that he would be brought to a Court-
Martial and *released*, if I did not, shews there
was no such Intention, and I was told, *he*
was released accordingly. Could not the *same*
Power act against him, that acted against
me? His Prosecution need not have depended
on me, I was in no Respect Witness to his Of-
fence, but had it, Sir, as you had, from Evi-
dences in the Regiment. I would not be un-
derstood to wish the Quarter-Master had been
prosecuted, tho' he is very undeserving the Fa-
vour I have shewn him. I only mention this
as an after Reason for *suspecting* Partiality *some-*
where.

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By t
in An
Martia
at *Blan*
Ancram
les or . . . , no Officer is to be
eight Days without a Court-
in that Situation twenty-six Days
with General *Conway's* and Lord
giment on each Side of us.
As I was given to understand that a Warrant
from the King was *unnecessary*, because a Field-
Officer of the Regiment was to be President,
I should have imagined a Court might have set
sooner, and am very well persuaded that it must
be owing to Neglect somewhere, that it did not.
This Remark, Sir, is not pointed at you, I have
already, it seems, been too free in that Respect
in my Defence: where I express'd myself with
any Asperity, you must own, that a Prose-
cution that struck both at my *Commission* and
Character, not to mention a *Quarter of a Year's*
Confinement, &c. is some Excuse for it. If I have
exceeded the Bounds of a Letter, it is to exte-
nuate my Fault to you, by exposing to your
View the plausible Appearances that occasion'd
it, to correct myself where I can by a better
Interpretation, and where I cannot, to acknow-
ledge my Incapacity of doing it, and beg your
Pardon. I would have done it sooner, but was
apprehensive least a Prosecution carried on with
so much Rigour for so trivial a Cause, might
have retarded the Disposal of my Commission,
and this Submission is undoubtedly more meri-
torious at a Time when the regaining your Fa-
vour cannot be of that Consequence to me. I
might, Sir, possibly have saved you, as well as
myself, this Trouble, had I not found sufficient
Employment upon my Hands, when I was be-
fore

fore the Court to answer to the Charges.
Besides as the Court had been extremely indulgent
to me, I was unwilling to give a (as I then
thought) unnecessary Trouble. It is not this
been the Case, I should have taken more Notice
of Captain Irwin's Reply to my Defence, but
am glad to find on Perusal that it is still more
unnecessary than I thought it, as it is in some
Respects no Reply at all. However that may
be, my present Design is answer'd, if I have in
any Measure palliated my Offence to you. The
Necessity as well as the Propriety of doing this
at the End of the Court Martial is obvious, as
the last Article in the Sentence censures me for
unjust Detraction, it is a decisive Censure, and
a publick one, and somewhat too like the Charge
of *false Aspersion*, to be made light of. But from
the above Considerations, I flatter myself, that
my Sentiments with Respect to you, will be
look'd upon only as an Error in Judgment, at
least as excusable as that of the Enquiry.

I am, with all due Respect,

S I R,

Your most Obedient Servant,

G. MORELAND.